

## REMARKS

### Rejection under 35 U.S.C. §103(a)

Claims 1 - 11 stand rejected in the parent application under 35 U.S.C. §103(a) as being obvious over Hill (U.S. Patent 5,930,797), filed April 15, 1997, in view of Hamakawa *et al.*, "Object composition and playback models for handling multimedia data".

Applicant points out that 35 U.S.C. §103(c) states as follows:

The manner in which the invention was made. Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title shall nor preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

With the filing of a Continued Prosecution Application, the filing date of this application is now updated to come under the current provisions of 35 U.S.C. §103(c). Applicant states that the current application and the Hill patent (U.S. Patent 5,930,797) were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Consequently, under 35 U.S.C. §103(c), the Hill patent is not available as a reference in this application, and the previous rejection can not be sustained.

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Applicant suggests that the application is in a condition for allowance, and requests that it be passed to issue. If there are any matters that are outstanding that prevent the case being passed to issue, Applicant would welcome a telephone interview to resolve the matter.

Respectfully submitted,



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